

REPORT OF THE MAJORITY.

The Committee on Grievances and Courts of Justice, to whom was referred the memorial of James Clark, of Anne Arundel county, praying that the sufficiency of the bond, recently offered by him, as Sheriff elect of said county, to the Chief Judge of the third judicial district for approval, may be enquired into, and that he be reinstated in the office, to which he was chosen by a majority of his fellow citizens, have had the same under consideration, and beg leave to present the following report:—

They understand that after the bond of the petitioner had been rejected by the Judge, the person second on the return of the election for Sheriff, was commissioned and did not give bond and qualify, but returned his commission to the Executive. The Governor and Council then appointed another person, and commissioned him as Sheriff. He has executed bond with sureties, who have been approved by the Judge; and he has entered upon the duties of his office. The committee are of opinion, that this person is the Sheriff of Anne Arundel county, constitutionally appointed and qualified, and any enquiry under the present petition for the purpose of remitting the petitioner to said office would be an unauthorised interference with vested rights. In such an event of the application all the acts of the present incumbent would be void, and the community thrown into a state of confusion as to its judicial proceedings, which might be productive of incalculable mischief. These are results which this Legislature should prevent, rather than encourage by its action.

The Committee, on a full examination of the several laws bearing upon this particular, cannot sanction an interference with a matter so expressly within the scope of judicial discretion. They would merely refer to the act of Assembly of seventeen hundred and ninety-four, chapter fifty-four, and to the subsequent act of eighteen hundred and six, chapter sixteen, empowering the Orphans' Courts to exercise the same discretion before that time vested in the Chief Justice and Associate Justices of the County Courts. The provisions of these acts are too explicit to be misunderstood.—The Chief Justice, out of court, the associates, and under certain specified contingencies one of the associates with the concurrence of two justices of the peace are *to judge of the sufficiency of the securities offered by the Sheriff, and of the execution of the bond.* Such is the language of the law—its object plain and palpable.